IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC	§	
	§	
Plaintiff,	§	
vs.	§	
	§	Case No. _____
KELLEY BLUE BOOK CO., INC.,	§	
	§	**JURY TRIAL DEMANDED**
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC ("Traffic") brings this action against defendant Kelley Blue

Book Co., Inc.   ("KBB" or "Defendant"), and alleges:

THE PARTIES

1.   Traffic is a limited liability company organized and existing under the laws of the

State of Texas.

2.   On information and belief, KBB is a California corporation, has a principal place of

business at 195 Technology Drive, Irvine, California 92618, and has designated its registered agent for

purposes of service of process in Texas as Corporation Service Company d/b/a CSC – Lawyers

Incorporating Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701, and is doing

business in this judicial district.

JURISDICTION AND VENUE

3.   This is an action for patent infringement arising under the provisions of the Patent

Laws of the United States of America, Title 35, United States Code.

4.   Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28

U.S.C. §§ 1331 and 1338(a).

5.   On information and belief, Defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

6.   On information and belief, Defendant has placed its infringing product into the stream of commerce throughout the United States with the expectation that it will be used by consumers in this judicial district.

7.   Defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

8.   Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

INFRINGEMENT OF THE '606 PATENT

9.   Traffic realleges and incorporates by reference the allegations in paragraphs 1-8.

10.   On August 31, 2004, U.S. Patent No. 6,785,606 ("the '606 patent"), entitled "System For Providing Traffic Information" was duly and legally issued. A Reexamination Certificate for the '606 patent issued on December 6, 2011. A true and correct copy of the '606 patent with the Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all right, title and interest in and to the '606 patent, including the right to sue for and recover all past, present and future damages for infringement of the '606 patent.

11.   Defendant, alone and in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to make and/or use, traffic information systems, software, products and/or services ("Accused Products") that alone or in combination with other devices or

products are covered by at least one claim of the '606 patent, and is liable for infringement of the '606 patent pursuant to 35 U.S.C. § 271.

12.   Defendant has been and/or is now indirectly infringing one or more claims of the '606 patent in violation of 35 U.S.C. § 271(b) by inducing end users of its Accused Products to directly infringe one or more claims of the '606 patent through their use of the Accused Products ("End Users") to display traffic information on the display of a mobile device, such as a mobile telephone or tablet. Defendant engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages End Users to directly infringe the '606 patent.

13.   Defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from Defendant the damages sustained by Traffic as a result of Defendant's wrongful acts in an amount subject to proof at trial.

14.   As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

A.   Defendant has infringed the '606 patent;

B.   Defendant account for and pay to Traffic all damages caused by its infringement of the '606 patent as complained of herein in accordance with 35 U.S.C. § 284;

C.   Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D.   Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of Defendant's patent infringement complained of herein;

E.   Traffic be granted its reasonable attorneys' fees;

F.   Costs be awarded to Traffic; and,

G.   Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: June 25, 2014   By: /s/ Elizabeth L. DeRieux

                                        C. Dale Quisenberry
                                        State Bar No. 24005040
                                        dquisenberry@pqelaw.com
                                        John T. Polasek
                                         State Bar. No. 16088590
                                        tpolasek@pqelaw.com
                                        Jeffrey S. David
                                        State Bar No. 24053171
                                        jdavid@pqelaw.com
                                        POLASEK, QUISENBERRY & ERRINGTON, L.L.P.
                                        6750 West Loop South, Suite 920
                                        Bellaire, Texas 77401
                                        Telephone: (832) 778-6000
                                        Facsimile: (832) 778-6010

                                        S. Calvin Capshaw
                                        State Bar No. 03783900
                                        ccapshaw@capshawlaw.com
                                        Elizabeth L. DeRieux

State Bar No. 05770585
ederieux@capshawlaw.com
D. Jeffrey Rambin
State Bar No. 00791478
jrambin@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
114 East Commerce Avenue
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF